



**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

January 7, 2016

AGENDA ITEM: 12.5

**TOPIC: Propose Discontinuance of:
Student Chemical Dependency Policy #526**

BACKGROUND: It is recommended that this policy be discontinued.

PROCESS: The School Board Policy Committee has reviewed this policy and they are recommending that it be discontinued. The terms of this policy are covered by Drug-Free Workplace/Drug-Free School Policy 435 and Chemical Use & Abuse Policy 443.

RECOMMENDATION: First reading to discontinue this policy.

STUDENT CHEMICAL DEPENDENCY

526

School District 831 recognizes that the abuse of mood-altering chemicals has a significant deteriorating effect on a student's school performance; such as: increased absenteeism, decreased scholastic performance and increased disciplinary infractions. The District recognizes chemical dependency, including alcoholism, as a disease which is treatable.

1. Every effort will be made to identify student chemical dependency in its early stages.
2. If it is suspected that a student chemical abuse problem exists, the student's parents or guardian will be contacted. After notification of the student's parents or guardians, School District personnel will encourage and assist the student and the student's parents or guardian to obtain a complete professional chemical dependency evaluation.
3. If a professional chemical dependency evaluation determines that a chemical abuse or dependency problem exists, School District personnel will encourage and when requested will assist the student and the student's parents or guardian to implement the professionally recommended form of treatment. This might be intermediate care, out patient, day care, Alcoholics Anonymous, support groups, after care, or other alternatives.
4. Records maintained by the School District which deal with the chemical dependency of students are subject to the provisions of the Minnesota Data Privacy Act (Minn. Stat. Sec. 15.162 et. seq.) to the same extent as any other educational record maintained by the District containing information directly related to the student.

ADDENDUM - Summary of Legal Counsel Opinion Regarding Policy 526

To the extent that the proposed policy authorizes counseling services for drug dependent students by School District staff and encourages parents and students to obtain drug dependency evaluation and treatment from professional and competent third parties, it certainly falls within the legitimate powers of a School District. At the point at which counseling becomes treatment, however, the School District steps beyond its powers. While it is beyond the scope of this policy review to discuss all the potential ramifications that the offering of drug dependency treatment by the School District staff might have, we would point out that liability for claims of physical injury incurred by a student undergoing such treatment would certainly be one consideration.

We strongly recommend that all District staff, and especially those who deal with drug-dependency students, be advised that their duties do not include the treatment or cure of drug dependency.

ADOPTED: 1/20/81